

3023

2009-2010 Regular Sessions

I N   S E N A T E

March 9, 2009

---

Introduced by Sen. ADAMS -- (at request of the New York State Racing and Wagering Board) -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to the imposition of fines

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 250 of the racing, pari-mutuel wagering and breed-  
2     ing law, as amended by chapter 18 of the laws of 2008, is amended to  
3     read as follows:  
4     S 250. Power of state racing and wagering board to impose penalties.  
5     In addition to its power to suspend or revoke occupational licenses,  
6     licenses to conduct running races and race meetings or steeplechases and  
7     steeplechase meetings and licenses to conduct pari-mutuel betting at a  
8     race course or race meeting for running races or steeplechases issued by  
9     it, the state racing and wagering board is hereby authorized to impose  
10    civil penalties upon any such licensee or franchisee for a violation of  
11    any provision of [sections two hundred twenty-two through seven hundred  
12    five of] this chapter or the rules and regulations promulgated pursuant  
13    thereto, not exceeding [five] TWENTY-FIVE thousand dollars for each  
14    violation, which penalties shall be paid into the state treasury. Each  
15    day upon which such violation continues may be considered by the board  
16    as a separate violation in assessing the amount of civil penalty to be  
17    imposed. Any penalty so imposed shall be sued for by the attorney gener-  
18    al in the name of the people of the state of New York, if so directed by  
19    the board. The amount of the penalty collected by the board or recovered  
20    in any such action, or paid to the board upon a compromise as hereinaft-  
21    er provided, shall be paid by the [department of state] BOARD into the  
22    state treasury and credited to the general fund. The board, for cause  
23    shown and in its discretion, may extend the time for the payment of such  
24    penalty and, by compromise may accept less than the amount of such

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD09597-01-9

1 penalty as imposed in settlement thereof. The powers granted by this  
2 section shall not be affected by the circumstances that any such license  
3 shall have expired by its terms prior to the imposition of such penalty.

4 S 2. Section 310 of the racing, pari-mutuel wagering and breeding law  
5 is amended to read as follows:

6 S 310. Power of the state racing and wagering board to impose fines  
7 and penalties. In addition to its power to suspend or revoke licenses  
8 granted by it, the state racing and wagering board is hereby authorized  
9 and empowered to impose monetary fines upon any corporation, association  
10 or person participating in any way in any harness race meet at which  
11 pari-mutuel betting is conducted, other than as a patron, and whether  
12 licensed by the board or not, for a violation of any provision [of  
13 sections two hundred twenty-two through seven hundred five] of this  
14 chapter or the rules promulgated by the board pursuant thereto, not  
15 exceeding [five] TWENTY-FIVE thousand dollars for each violation. The  
16 board is further authorized and empowered to impose monetary fines, not  
17 exceeding [five] TWENTY-FIVE thousand dollars for each violation, upon  
18 any such corporation, association or person for a violation of any order  
19 issued by the board pursuant to the provisions [of sections two hundred  
20 twenty-two through seven hundred five] of this chapter or the rules  
21 promulgated by the board pursuant thereto, provided that a copy of such  
22 order shall have been served, either personally or by registered mail,  
23 upon the corporation, association or person to whom the same was  
24 directed, prior to the occurrence of the violation for which such fine  
25 is imposed. Such fines shall be paid into the treasury of the state.  
26 The action of the board in imposing any monetary fine shall be review-  
27 able in the supreme court in the manner provided by and subject to the  
28 provisions of article seventy-eight of the civil practice law and rules.

29 S 3. Section 410 of the racing, pari-mutuel wagering and breeding law  
30 is amended to read as follows:

31 S 410. Power of state racing and wagering board to impose fines and  
32 penalties. In addition to its powers to suspend or revoke licenses  
33 granted by it, the state racing and wagering board is hereby authorized  
34 and empowered to impose monetary fines upon any corporation, association  
35 or person participating in any way in any quarter horse race meet at  
36 which pari-mutuel betting is conducted, other than as a patron, and  
37 whether licensed by the board or not, for a violation of any provision  
38 [of sections two hundred twenty-two through seven hundred five] of this  
39 chapter or the rules promulgated by the board pursuant thereto, not  
40 exceeding [five] TWENTY-FIVE thousand dollars for each violation. The  
41 board is further authorized and empowered to impose monetary fines, not  
42 exceeding [five] TWENTY-FIVE thousand dollars for each violation, upon  
43 any such corporation, association or person for a violation of any order  
44 issued by the board pursuant to the provisions [of sections two hundred  
45 twenty-two through seven hundred five] of this chapter or the rules  
46 promulgated by the board pursuant thereto, provided that a copy of such  
47 order shall have been served, either personally or by registered mail,  
48 upon the corporation, association or person to whom the same was  
49 directed, prior to the occurrence of the violation for which such fine  
50 is imposed. Such fines shall be paid into the treasury of the state. The  
51 action of the board in imposing any monetary fine shall be reviewable in  
52 the supreme court in the manner provided by and subject to the  
53 provisions of article seventy-eight of the civil practice law and rules.

54 S 4. Section 1005 of the racing, pari-mutuel wagering and breeding  
55 law, as added by chapter 363 of the laws of 1984, is amended to read as  
56 follows:

1 S 1005. Power of the board to impose fines and penalties. In addition  
2 to its power to suspend or revoke licenses granted by it, the state  
3 racing and wagering board is hereby authorized and empowered to impose  
4 monetary fines upon any corporation, association or person participating  
5 in any way in simulcasts on which pari-mutuel betting is conducted,  
6 other than as a patron, and whether licensed by the board or not, for a  
7 violation of any provision of this [article] CHAPTER or the rules  
8 promulgated by the board pursuant thereto, not exceeding [five] TWENTY-  
9 FIVE thousand dollars for each violation. The board is further author-  
10 ized and empowered to impose monetary fines, not exceeding [five] TWEN-  
11 TY-FIVE thousand dollars for each violation, upon any such corporation,  
12 association or person for a violation of any order issued by the board  
13 pursuant to the provisions of this [article] CHAPTER or the rules  
14 promulgated by the board pursuant thereto, provided that a copy of such  
15 order shall have been served, either personally or by registered mail,  
16 upon the corporation, association or person to whom the same was  
17 directed, prior to the occurrence of the violation for which such fine  
18 is imposed. Such fines shall be paid into the state treasury. The action  
19 of the board in imposing any monetary fine shall be reviewable in the  
20 supreme court in the manner provided by and subject to the provisions of  
21 article seventy-eight of the civil practice law and rules.  
22 S 5. This act shall take effect immediately.